

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ROBERT KIRBY

Plaintiff,

v.

CASE NO: 12-CV-12039-DT

CORPORAL PEOPLES, ET AL.,

Defendants

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

This matter was referred to United States Magistrate Judge Charles E. Binder pursuant to 28 U.S.C. §636(b)(1)(B) and Local Rule 72.1. In his September 5, 2013 report, the magistrate judge recommends that this court grant Defendants Wayne County Sheriff Benny Napoleon, John Doe Defendants #2, #3, #4 and Wayne County's Motion for Summary Judgment, (Doc #32) and deny the Motion for Summary Judgment, (Doc #32) as to Defendant Corporal Peoples and John Doe Defendants #6, #7 and #8..

No objections have been filed pursuant to 28 U.S.C. § 636(b)(1), thus further appeal rights are waived.¹ Having reviewed the file and the Report, the court concludes that the findings and conclusions of the Magistrate Judge are correct and ADOPTS the same for purposes of this Order.

¹ The failure to object to the magistrate judge's report releases the court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Any objection was due with the ten days of service, Fed.R.Civ.P.6(e). No objection has been filed as of the date of this order.

ORDER

IT IS ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, the Defendants' Motion for Summary Judgment (Doc #32) is **GRANTED IN PART AND DENIED IN PART.**

The Motion is **GRANTED** as to Defendants Sheriff Benny Napoleon, Wayne County and John Doe Defendants #1, #2, #3 and these defendants are dismissed. The motion is **DENIED** as to Corporal Peoples and the three John Doe Defendants, #4, #5 and #6 identified as three corporals assigned to or near the quarantine floor of the Wayne County Jail for first shift operations.

IT IS FURTHER ORDERED that the Order of Reference to Magistrate Judge Charles Binder for All Pretrial Proceedings is continued.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: October 1, 2013

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, October 1, 2013, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522

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